DETAIL ACTION

Notice to Applicant(s)

1.   This application has been examined. Claims 1-34 are pending.

2.   The prior art submitted on October 14, 2005, June 29, 2007 and May 19, 2008 have been considered.

3.   Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which have been placed of record in the file.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

5.   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   As per claims 11, 15, 16, 27, 30, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7.   The following rejections are based on the examiner's best interpretation of the claims in light of the 35 U.S.C. 112 errors noted above.

Claim Rejections - 35 USC § 101

8.   35 U.S.C. 101 reads as follows:

   Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9.   Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 34 is drawn to functional descriptive

material NOT claimed as residing on a computer readable medium.   MPEP

2106.IV.B.1(a) (Functional Descriptive Material) states:

> "Data structures not claimed as embodied in a computer-readable medium are
> descriptive material per se and are not statutory because they are not capable of
> causing functional change in the computer."

> "Such claimed data structures do not define any structural or functional
> interrelationships between the data structure and other claimed aspects of the invention
> which permit the data structure's functionality to be realized."

Claim 34, while defining a computer program, does not define a "computer-

readable medium" and is thus non-statutory for that reasons. A computer program can

range from paper on which the program is written, to a program simply contemplated

and memorized by a person. The examiner suggests amending the claim to embody

the program on "computer-readable medium" in order to make the claim statutory.

10.   "In contrast, a claimed computer-readable medium encoded with the data

structure defines structural and functional interrelationships between the data structure

and the computer software and hardware components which permit the data structure's

functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a)

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam, JR. et al. (2003/0014186) in view of Yokota (6,771,189).

13.   With respect to claims 1 and 34, Adam, JR. et al. disclose a method and system for navigating within a navigation area which includes a plurality of navigation tags located at predetermined position within the navigation area, and those position points are stored in the path database (see figure 1, items 110, 120 and figure 2, item 10-250), wherein the method includes the steps of obtaining the destination, and perform the a path process which includes one or more paths connecting one or more position points, and guide the user (see at least the abstract, figures 2, 3 and the related text).

14.   Adam, JR. et al. do not explicitly disclose the path process includes a sequence of navigation tags. However, in order to form the path which connect one or more position points as taught in the abstract would have been obvious to an ordinary skill in the art to realize that the "sequence" of position points (i.e. navigation tags) should be included in the path process. For example, Yokota suggest a method and system for calculating the route which includes a sequence of nodes as shown in at least figures 7-11. The nodes in this references are the same as the position points in the Adam, JR. et al. in which their positions are known and stored. Thus, it would have been obvious to an ordinary skill in the art at the time the invention was made to realize that in path process as taught by Adam, JR. et al. should includes a sequence of position points and use those information to guide the user to the destination.

15.   With respect to claim 2, Adam, JR. et al. disclose that the communication between the path database and tactile map and the user as shown in figure 2. The wired or wireless communication in the navigation art is well known in the art at the time the invention was made and would be obvious to incorporate into the system of Adam JR. et al. to obtain the map and position data.

16.   With respect to claims 6-12, Adam JR. et al. disclose in at least figure 4, which the system provides the user position information and directions when the approaching the position point, i.e. receiving the RFID input. Also, the display icon or symbol of the position point is well known in the art, such as the display point of interest. Furthermore, audio or visual display are very well known in the navigation art.

17.   With respect to claims 13 and 14, Adam JR et al. disclose the storing means for storing position of the position point as shown in at least figures 1, 2 and the related text.

18.   With respect to claims 15 and 16, GPS is well known in the art at the time the invention was made and as shown in at least paragraph 0005 of the Adams, JR. et al.

19.   With respect to claim 17, Adams, JR et al. do suggest the radio communication as shown in at least paragraphs 0033 and 0034.

20.   With respect to claims 3-5 and 18-32, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

Conclusion

21.   All claims are rejected.

22.   The following references are cited as being of general interest: Barnea et al. (5,412,573), Sato (6,009,403), Poppen et al. (6,038,509), Andrews et al. (6,900,762),

Dowling et al. (2003/0069029), Neeman et al. (2005/0004757), Donath et al. (2005/0149251), Brulle-Drews (2006/0031009).

23.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

        Any response to this action should be mailed to:

                        Commissioner of Patents and Trademarks
                        Washington, D.C. 20231

                or faxed to the Official Fax Center: (571) 273-8300.

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/tqn
June 9, 2008

/TAN QUANG NGUYEN/
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